

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERISA MOORE,

Plaintiff,

-v-

EXPERIAN *and* TRANSUNION,

Defendants.

23 Civ. 673 (PAE) (SLC)

ORDER

PAUL A. ENGELMAYER, District Judge:

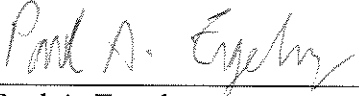
On October 30, 2023, the Court issued an Opinion and Order, Dkt. 27 (“Op.”), adopting the Report and Recommendation, Dkt. 25 (the “Report”), of the Hon. Sarah L. Cave, Magistrate Judge. The Court accordingly dismissed this action with prejudice and closed this case. On November 1, 2023, the Court received *pro se* plaintiff Erisa Moore’s letter purporting to raise objections to the Report. Dkt. 29 (“Obj.”).

Moore’s objections are untimely. For the avoidance of doubt, however, the Court has reviewed Moore’s objections to the Report. Moore’s objections are wholly conclusory. She asserts, *inter alia*, that the “unauthorized reinvestigations . . . were done negligently,” that the defendants “violated [the Fair Credit Reporting Act] with the investigations either willfully or negligently,” that the defendants “failed to delete information that could not be verified,” and that the defendants have “not followed reasonable procedures.” Obj. at 2–4. Such “conclusory and general objections . . . merit only clear error review.” *Klein v. City of New York*, No. 10 Civ. 9568 (PAE) (JLC), 2012 WL 546786, at *3 (S.D.N.Y. Feb. 21, 2012). As the Court concluded in its Opinion, there is no facial error in Judge Cave’s thorough and well-reasoned Report. Op. at 2. Even if the Court were to engage in more searching review, the objections are not even

responsive to the deficiencies identified in the Report: specifically, Moore’s failure to “plausibly allege that [defendants] sought or used the information for an impermissible purpose or that [defendants] ‘either willfully or negligently fail[ed] to maintain reasonable procedures’ to prevent an improper furnishing of information.” Report at 13. Just as Moore “offer[ed] only nonspecific and conclusory allegations” in her Complaint, Report at 17, she has done the same in response to the Report. Such allegations are insufficient upon a motion to dismiss.

This case remains closed. As the Court explained in its Opinion, Moore’s failure to file timely her objections operates as a waiver of appellate review. *See Op. at 2; Caidor v. Onondaga County*, 517 F.3d 601, 604 (2d Cir. 2008) (citing *Small v. Sec’y of Health & Human Servs.*, 892 F.2d 15, 16 (2d Cir. 1989) (per curiam)).

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: November 6, 2023
New York, New York